



CASE A-21884/A/PCT

CERTIFICATE OF MAILING		
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.		
_____ Type or print name	_____ Signature	_____ Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit:

DAVID GEORGE LEPPARD ET AL

Examiner:

APPLICATION NO: 09/856,769

FILED: MAY 24, 2001

FOR: PROCESS FOR THE PREPARATION OF

ACYLPHOSPHINES, ACYL OXIDES AND

ACYL SULFIDES

Assistant Commissioner for Patents

Washington, D.C. 20231

DECLARATION

1. I hereby make the following declaration concerning steps the applicant has taken in order to obtain the signature of René Kaeser on the declaration and power of attorney for pending U.S. application 09/856,769 (Ciba Reference A-21884/A/PCT).

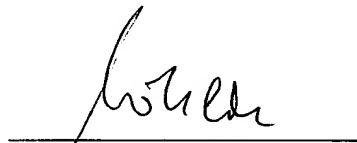
2. The application and declaration document was posted to René Kaeser home address under cover of a letter of May 8, 2001 which requested that he sign and date the document and return it to us in an enclosed stamped addressed envelope.

3. René Kaeser contacted Ciba and said that he would not sign the document, despite the fact that Ciba employed him at the time of making the invention, and that the invention was made in the ordinary course of his employment. A copy is enclosed of his employment contract.

4. Ciba contacted a former colleague from work of René Kaeser and asked him to persuade René Kaeser to sign the declaration and power of attorney document. This attempt was fruitless and René Kaeser still refuses to sign the declaration and power of attorney document.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed, this 21st day of December, 2001

A handwritten signature in dark ink, appearing to read 'H. Wittlin', is written over a horizontal line.

Hans-Peter Wittlin
Patent Administrator

US Case A-21884/US/A

**DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS**

☐ Original ☐ Supplemental ☐ Substitute ☒ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Process for preparing acylphosphines and derivatives

which is described and claimed in:

- ☐ the attached specification.
- ☐ the specification in U.S. Application No. _____, and as amended on _____ (if applicable).
(day/month/year) (day/month/year)
- ☒ the specification in International Application No. **PCT/EP99/08968**
filed **20/11/99**
(day/month/year)
assigned U.S. Application No. _____ (if applicable), and as amended
- ☐ under PCT Article 19 on _____ (if applicable)
(day/month/year)
- ☒ under PCT Article 34 on **06.03.01** (if applicable)
(day/month/year)
- ☐ and further amended on _____ (if applicable)
(day/month/year)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is known by me to be material to the patentability of this application as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America relating to this subject matter having a filing date before that of the application on which priority is claimed:

COUNTRY/REGION (OR PCT)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED	
Switzerland	2376/98	30/11/98	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Switzerland	2434/98	08/12/98	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Switzerland	1767/97	18/07/98	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
The latter application was withdrawn on September 18, 1998 without having been laid open to public inspection and without leaving any rights outstanding.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119 (e) of any United States provisional application(s) listed below:

APPLICATION NO.	FILING DATE (day/month/year)
-----------------	---------------------------------

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the application discloses and claims subject matter in addition to that disclosed in the prior copending application, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. APPLICATION No.	FILING DATE (day/month/year)	STATUS		
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned

PCT APPLICATION No. (designating the U.S.)	INTERNATIONAL FILING DATE (day/month/year)	U.S. APPLICATION No. (if any)	STATUS
			<input type="checkbox"/> Patented
			<input type="checkbox"/> Pending
			<input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents, associated with Customer No. 000324, each of them with full power of substitution, revocation and appointment of associates, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Luther A. R. Hall (Reg. No. 27,337), JoAnn L. Villamizar (Reg. No. 30,598), Kevin T. Mansfield (Reg. No. 31,635), David R. Crichton (Reg. No. 37,300), Michele A. Kovaleski (Reg. No. 37,865) and Tyler A. Stevenson (Reg. No. 46,388).

Address all correspondence associated with Customer No. 000324 to ***Ciba Specialty Chemicals Corporation, Patent Department, 540 White Plains Road, P.O. Box 2005, Tarrytown, NY 10591-9005.***

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first joint inventor **LEPPARD, David George**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Route de Bourguillon 6
1723 Marly
Switzerland**

Citizenship **Swiss**

Post Office Address **same as above**

Full name of second joint inventor, if any **EICHENBERGER, Eugen**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Schützenmattstrasse 5
4051 Basel
Switzerland**

Citizenship **Swiss**

Post Office Address same as above

Full name of third joint inventor, if any **KAESER, René**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Stadtgasse 2
1718 Rechthalten
Switzerland**

Citizenship **Swiss**

Post Office Address same as above

Full name of fourth joint inventor, if any **HUG, Gebhard**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Buchenweg 30
4310 Rheinfelden
Switzerland**

Citizenship **Swiss**

Post Office Address same as above

Full name of fifth
joint inventor, if any **SCHWENDIMANN, Urs**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Carrer es Putxet 3, Vivienda 2
07590 Cala Ratjada
Balears Mallorca
Spain**

Citizenship **Swiss**

Post Office Address **same as above**

Full name of sixth
joint inventor, if any

Inventor's signature _____ Date _____
(day/month/year)

Residence

Citizenship

Post Office Address **same as above**

Full name of seventh
joint inventor, if any

Inventor's signature _____ Date _____
(day/month/year)

Residence

Citizenship

Post Office Address **same as above**

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		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned

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Full name of sole
or first joint inventor

LEPPARD, David George

Inventor's signature

Leppard, David George

Date

11.3.2001
(day/month/year)

Residence

Route de Bourguillon 6
1723 Marly
Switzerland CHX

Citizenship

Swiss

Post Office Address

same as above

200
Full name of second
joint inventor, if any

EICHENBERGER, Eugen

Inventor's signature

Eichenberger Eugen

Date

6.5.2001
(day/month/year)

Residence

Schützenmattstrasse 5
4051 Basel
Switzerland CHV

Citizenship

Swiss

Post Office Address

same as above

300
Full name of third
joint inventor, if any

KAESER, René

Inventor's signature

Date

(day/month/year)

Residence

Stadtgasse 2
1718 Rechthalten
Switzerland CHV

Citizenship

Swiss

Post Office Address

same as above

400
Full name of fourth
joint inventor, if any

HUG, Gebhard

Inventor's signature

Hug Gebhard

Date

17.04.2001
(day/month/year)

Residence

Buchenweg 30
4310 Rheinfelden
Switzerland CHV

Citizenship

Swiss

Post Office Address

same as above

500

Full name of fifth
joint inventor, if any

SCHWENDIMANN, Urs

Inventor's signature

Urs Schwendimann

Date

07-05-01

(day/month/year)

Residence

Carrer es Putxet 3, Vivienda 2
07590 Cala Ratjada
Baleares Mallorca *ESX*
Spain

Citizenship

Swiss

Post Office Address

same as above

Full name of sixth
joint inventor, if any

Inventor's signature

Date

(day/month/year)

Residence

Citizenship

Post Office Address

same as above

Full name of seventh
joint inventor, if any

Inventor's signature

Date

(day/month/year)

Residence

Citizenship

Post Office Address

same as above